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OFFICE OF PETITIONS

In re Application of	:	
Gregory Thomas Flitton	:	
Application No. 10/506,370	:	
Filed: February 11, 2005	:	DECISION ON PETITION
Attorney Docket No.	:	UNDER 37 C.F.R. § 1.181(A)
040857/282241	:	
Title: TESTING MOBILE TELEPHONE	:	
TERMINALS	:	

This is a decision on the petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on September 19, 2007.

BACKGROUND

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed January 16, 2007, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no responses were received. Accordingly, the above-identified application became abandoned on April 17, 2007.

With the present petition, Petitioner has alleged that the mailing was not received, and has included a copy of the docket report.

CONCLUSION

Petitioner has met the requirements of Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), in that he has asserted that the mailing was not received, that he has searched the file jacket and the docket record, and he has included a copy of the latter.

Moreover, the electronic file has been reviewed, and it is clear that this communication was returned by the United States Postal Service on January 23, 2007.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the mailing was not received.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the final action of January 16, 2007, and will set a new period for response.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



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